

LICENSING SUB-COMMITTEE

Monday 27 March 2023

Present:

Minutes 15 – 21 Councillors Newby, Parkhouse and Snow

Minutes 22 – 25 Councillors Holland, Newby and Snow

Also Present:

Legal Advisor, Solicitor, Principal Licensing Officer and Democratic Services Officer (SLS)

15

APPOINTMENT OF CHAIR

Councillor Snow was appointed as Chair for this meeting.

16

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

17

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TOWN POLICE CLAUSES ACT 1847

18

HEARING TO DETERMINE WHETHER AN APPLICANT FOR A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE IS A FIT AND PROPER PERSON TO HOLD THE LICENCE

The Chair introduced the Licensing Sub-Committee Members and Officers.

The applicant had been referred to the Licensing Sub-Committee to determine if they were a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Legal Advisor set out the procedure for the hearing and explained the provisions of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 stating that the Licensing Authority must be satisfied that a driver is a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Legal Advisor also stated that the evidential burden was on the applicant to prove their fitness and propriety on the balance of probabilities. Every case before the Licensing Sub-Committee was heard on its individual merits and the main concern of the Licensing Sub-Committee was the safety of the travelling public.

The Principal Licensing Officer presented the report and gave evidence in respect

of the application. The Applicant was in attendance and spoke in support the application and responded to questions from the Members and the Legal Advisor.

RESOLVED that the Licensing Sub-Committee were satisfied that the Applicant was a fit and proper person to hold a driver's licence for a Hackney Carriage/Private Hire Vehicle.

19

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The Legal Advisor also stated that the evidential burden was on the applicant to prove their fitness and propriety on the balance of probabilities. Every case before the Licensing Sub-Committee was heard on its individual merits and the main concern of the Licensing Sub-Committee was the safety of the travelling public.

The Principal Licensing Officer presented the report and gave evidence in respect of the application. The Applicant was in attendance and spoke in support the application and responded to questions from the Members and the Legal Advisor.

RESOLVED that the Licensing Sub-Committee were satisfied that the Applicant was a fit and proper person to hold a driver's licence for a Hackney Carriage/Private Hire Vehicle.

20

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The Applicant was not in attendance to speak in support of the application.

RESOLVED that the Hearing for this matter be adjourned to a date to be confirmed following receipt of references by the Licensing Authority as required by the Taxi Policy.

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ADJOURNMENT

The meeting was adjourned at 12.10pm for a lunch break.

During the lunch break, Councillor Parkhouse advised she was unable to return to the meeting for personal reasons relating to Covid.

The meeting recommenced at 1.10pm.

22

APPOINTMENT OF MEMBER - COUNCILLOR HOLLAND

Councillor Holland was appointed to replace Councillor Parkhouse at the meeting.

23

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

24

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25

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The Chair introduced the Licensing Sub-Committee Members and Officers.

The applicant had been referred to the Licensing Sub-Committee to determine if they were a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Legal Advisor set out the procedure for the hearing and explained the provisions of Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 stating that the Licensing Authority must be satisfied that a driver is a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Legal Advisor also stated that the evidential burden was on the applicant to prove their fitness and propriety on the balance of probabilities. Every case before the Licensing Sub-Committee was heard on individual merit and the main concern of the Licensing Sub-Committee was on ensuring the safety of the travelling public.

The Principal Licensing Officer presented the report and provided evidence in respect of the application. The Applicant was in attendance, and spoke in support of the application. He was accompanied by a legal representative in respect of the matter and responded to questions from the Members and the Legal Advisor.

RESOLVED that the Licensing Sub-Committee were not satisfied that the Applicant was a fit and proper person to hold a driver's licence for a Hackney Carriage/Private Hire Vehicle. A written notice setting out the reasons for the decision shall be sent to the Applicant within the next five working days.

(The meeting commenced at 10.00 am and closed at 3.00 pm)

Chair